

Cutler
36844-092004



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***SEPTEMBER 20, 2004
2:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA

1. Call to Order – Roll Call. (All Council Members were present.)

The Invocation was delivered by The Reverend Adrian Dowell, Pastor, Shiloh Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor C. Nelson Harris.

Welcome. Mayor Harris.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, September 23, 2004, at 7:00 p.m., and Saturday, September 25, 2004, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGEMENTS:

Introduction of special guests from the Ukraine.

File #80

Presentation by Dr. Robert Roth, Chair, Roanoke Valley Sister Cities.
(Sponsored by the City Manager.)

File #80-327

Presentation by Peter Lampman, President, Virginia Amateur Sports, Inc.
(Sponsored by the City Manager.)

File #80-334-388

Joint Proclamation declaring October 2004 as Building Character Month.
File #3-80

3. CONSENT AGENDA

Approved (7-0)

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1 A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, and to interview applicants for vacancies on the Architectural Review Board, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

**RECOMMENDED ACTION: Concur in the request.
File #110-132**

- C-2 A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss the Citizen of the Year Award, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended.

**RECOMMENDED ACTION: Concur in the request.
File #132-496**

- C-3 A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

**RECOMMENDED ACTION: Concur in the request.
File #2-132**

- C-4 A communication from the City Manager requesting that Council schedule a public hearing for Monday, October 18, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to a proposed agreement with Colonial Partners, L.L.C., in connection with development of approximately 23-acres of City-owned property located on Colonial Avenue, S.W.

**RECOMMENDED ACTION: Concur in the request.
File #166**

- C-5 Qualification of the following persons:
- A. L. Gaskins as a member of the Regional Virginia Alcohol Safety Action Program Policy Board for a term ending June 30, 2006;
- A. L. Gaskins as a member of the Court Community Corrections Program Regional Community Criminal Justice Board for a term ending June 30, 2007;
- Charles R. Brown as a member of the Towing Advisory Board for a term ending June 30, 2007;
- Frank W. Feather as a member of the Fair Housing Board for a term ending March 31, 2007; and
- Kristi Pedelty as a member of the Roanoke Arts Commission for a term ending June 30, 2007.

**RECOMMENDED ACTION: Receive and file.
Approved (7-0)
File #15-110-178-230-242-536-543**

- C-6 A communication from the City Manager requesting that Council convene in a closed meeting to discuss a prospective business where no previous announcement of the interest of the business in locating its facilities in the City of Roanoke has been made, pursuant to Section 2.2-3711(A)(5), Code of Virginia (1950), as amended.

**RECOMMENDED ACTION: Concur in the request.
File #132-450**

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS:

- a. Request of David A. Bowers to address Council with regard to the reactivation of the Passenger Rail Service Committee. (Sponsored by Council Members M. Rupert Cutler and Brian J. Wishneff.)

**Action on the request was deferred until following the Regional Leadership Summit meeting on Friday, September 24, 2004, at 12:00 noon in Bedford, Virginia, at which time representatives of the Norfolk Southern Corporation will address intermodal transportation issues and the position of NS regarding passenger rail service.
File #533**

6. REPORTS OF OFFICERS:

- a. CITY MANAGER:

BRIEFING:

Housing Strategic Plan Update – 20 minutes

File #178

ITEMS RECOMMENDED FOR ACTION:

- 1. Acceptance of a Runaway and Homeless Youth Program Grant from the United States Department of Health and Human Services, in the amount of \$126,675.00; and appropriation of funds.

**Adopted Budget Ordinance No. 36845-092004 and
Resolution No. 36846-092004. (7-0)
File #60-236-304**

2. Acceptance of a grant award under the Temporary Assistance for Needy Families (TANF) Hard-To-Serve Project from the Virginia Department of Social Services, in the amount of \$76,400.00; and appropriation of funds.

**Adopted Budget Ordinance No. 36847-092004 and Resolution No. 36848-092004. (7-0)
File #60-72-236**

3. Acceptance of a grant award from the Federal Temporary Assistance for Needy Families (TANF) funding allocated by the Virginia Department of Social Services, in the amount of \$68,057.00; and appropriation of funds.

**Adopted Budget Ordinance No. 36849-092004 and Resolution No. 36850-092004. (7-0)
File #60-72-236**

4. Acceptance of the *Staying Connected* Grant from the Bill and Melinda Gates Foundation, in the amount of \$13,850.00; and appropriation of funds.

**Adopted Budget Ordinance No. 36851-092004 and Resolution No. 36852-092004. (7-0)
File #60-236-323**

5. Execution of an Amendment to the Lease Agreement dated June 5, 2001, between the City of Roanoke and the Commonwealth of Virginia, by the Virginia Department of Health, to extend the term of the current lease agreement by one year, with an expiration date of June 30, 2005, for office space located at 515 and 530 8th Street, S. W.

**Adopted Ordinance No. 36853-092004 (7-0)
File #22-373**

6. Amendment to the City Code to promulgate standards for right-of-way excavation and restoration, effective December 1, 2004; and amendment to the City's Fee Compendium to provide revised fees for Right-of-Way Excavation Permits, formerly Street Opening Permits.

**Adopted Ordinance No. 36854-092004 and Resolution
No. 36855-092004. (7-0)
File #24-289-514**

7. Approval of renaming the Roanoke Civic Center Auditorium as the Roanoke Performing Arts Theatre and the Roanoke Civic Center Parlors A, B, C, D and E as Meeting Rooms 1, 2, 3, 4 and 5.

**Adopted Resolution No. 36856-092004. (7-0)
File #192**

8. Approval of designating and renaming the First Street Bridge as the Dr. Martin Luther King, Jr., Memorial Bridge, contingent upon required approval from the Martin Luther King, Jr. Center for Nonviolent Social Change.

**Adopted Resolution No. 36857-092004. (7-0)
File #102**

9. Amendment to the City Code to provide for Solid Waste Management servicing of front-loading and roll-off containers.

**Adopted Ordinance No. 36858-092004. (7-0)
File #24-144**

10. Approval to accept the donation of a work of sculpture from JDR ART, Inc., to be known as the Unity sculpture.

**Adopted Resolution No. 36859-092004. (7-0)
File #68-311-327**

- b. CITY ATTORNEY: NONE.
- c. DIRECTOR OF FINANCE: NONE.

7. REPORTS OF COMMITTEES: NONE.

8. UNFINISHED BUSINESS: NONE.

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS

- a. A Resolution reappointing Charles E. Hunter, III, as a Director of the Industrial Development Authority of the City of Roanoke for a term of four years, commencing on October 21, 2004.

**Adopted Resolution No. 36860-092004. (7-0)
File #15-207**

- b. A Resolution changing the time of commencement of the regular meeting of City Council scheduled to be heard at 9:00 a.m. to 12:00 Noon on Thursday, October 7, 2004.

**Adopted Resolution No. 36861-092004. (7-0)
File #132**

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.

Vice-Mayor Fitzpatrick called attention to the need for repairs to the bridge railing at the Masons Mill wheel.

**Vice-Mayor Fitzpatrick called attention to deterioration of the sidewalk on Wasena Bridge.
File #102**

**Council Member Dowe commended the City Manager on her expedient response to his inquiry regarding an air conditioning system for the Eureka Park Recreation Center.
File #67-132**

Council Member Dowe commended Event Zone in connection with The Taste of the Blue Ridge Blues and Jazz Gala which was held at The Hotel Roanoke on September 17, 2004.

File #80

Council Member Dowe expressed concern with regard to a recent newspaper article as to when Halloween will be observed in the City of Roanoke, which indicated that a decision had been made with the approval of Council; however, he was not aware that the Council had taken a position on the matter. He cautioned that all Members of the Council should be privy to information that involves the Council.

File #67-317

Council Member Lea commended the City Manager and City staff for their support of the Western Virginia Education Classic which was held on Saturday, September 11, 2004, at Victory Stadium.

File #122-388

Council Member Lea requested that Council and the City Manager consider placing Victory Stadium under the direction of the City's Department of Parks and Recreation. Council Member Wishneff reiterated the remarks of Mr. Lea.

The matter was referred to the City Manager for report to Council.

File #67-122-132

- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.**

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., advised that the decision of Council to name the First Street Bridge in honor of Dr. Martin Luther King, Jr., was made without inviting citizen input which is viewed as disrespectful to the citizens of Roanoke.

File #66-102

Mr. Robert Gravely, 729 Loudon Avenue, N. W., advised that downtown Roanoke is losing money because most citizens residing in the City of Roanoke either live on a fixed income or in a state of economic disadvantage. He spoke with regard to insufficient wages and working conditions for City employees in Refuse Collection and Disposal and the Grounds Maintenance departments, etc., compared to those City employees who work in an office environment. He stated that the average worker cannot afford to purchase a house in the City of Roanoke, and it is the responsibility of Council to bring the City to a standard that ensures quality of life for all citizens.

File #18-66-144-184

12. CITY MANAGER COMMENTS:

In response to a question raised earlier in the meeting by Council Member Lea, the City Manager reported that the Runaway and Homeless Youth Program served 33 young people this year.

File #236-304

The City Manager advised that the Mayor's State of the City Address, which was presented on Tuesday, September 14, 2004, will be televised on RVTv Channel 3 on Wednesday, September 22 at 9:00 a.m. and 6:00 p.m., and on Wednesday, September 29 at 9:00 a.m. and 6:00 p.m., and is available on the City's web site.

File #525

The City Manager invited Council and the citizens of Roanoke to visit the City's new web site which is more user friendly than the previous web site.

File #301

The City Manager presented a calendar of events for the month of October at the Roanoke Civic Center.

File #192

In response to a concern expressed by Council Member Dowe earlier in the meeting with regard to when Halloween will be observed in the City of Roanoke, the City Manager advised that the response in the newspaper article was not attributed to City Council, but to the City Manager. She extended an apology to the Members of Council if she erred in making the decision without the involvement of Council.

File #132-317

The Council reconvened in the Council's Conference Room for a briefing on the Housing Strategic Plan.

Following the briefing, Council convened in Closed Session in the Council's Conference Room.



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***SEPTEMBER 20, 2004
7:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA

Call to Order -- Roll Call.

The Invocation was delivered by Council Member Sherman P. Lea.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor C. Nelson Harris.

Welcome. Mayor Harris.

NOTICE:

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PRESENTATIONS AND ACKNOWLEDGEMENTS:

A Resolution paying tribute to the Patrick Henry High School Boys Tennis Team as the undefeated Western Valley District Champions for 2004.

Adopted Resolution No. 36844-092004. (7-0)
File #80-388-467

A. PUBLIC HEARINGS:

1. Request of The Branch Family, L.L.C., that three tracts of land located on Franklin Road, S. W., identified as Official Tax Nos. 1150104, 1150102 and 1150112, be rezoned from LM, Light Manufacturing District, to C-2, General Commercial District, subject to certain conditions proffered by the petitioner. Maryellen F. Goodlatte, Attorney.

Adopted Ordinance No. 36862-092004. (7-0)
File #51

2. Request of Joe and Annette Macione that a tract of land located at 677 Brandon Avenue, S. W., identified as Official Tax No. 1270801, be rezoned from LM, Light Manufacturing District, to C-2, General Commercial District, subject to certain conditions proffered by the petitioner. Maryellen F. Goodlatte, Attorney.

Adopted Ordinance No. 36863-092004. (7-0)
File #51

3. Request of Paul and Sharon Crawford that certain tracts of land located on Church Avenue, S. E., between 11th and 12th Streets, identified as Official Tax Nos. 4111409 – 4111417, inclusive, be rezoned from LM, Light Manufacturing District, to RM-1, Residential Multi-family, Low Density District, subject to certain conditions proffered by the petitioner. Paul Crawford, Spokesperson.

Adopted Ordinance No. 36864-092004. (7-0)
File #51

4. Request of Habitat for Humanity that a portion of a ten-foot alley, adjoining Official Tax Nos. 2130504 – 2130506, inclusive, and 2240102, and lying parallel to 12th Street, N. W., be permanently vacated, discontinued and closed. David A. Camper, President, Board of Directors, Spokesperson. (Continuation to a later date.)

**Deferred until March, 2005.
File #514**

5. Proposed vacation of three water line easements, one sanitary sewer easement and one ingress/egress easement located at 1906 Belleview Avenue, S. E., in connection with expansion of the Carilion Medical Center facility known as Carilion Roanoke Memorial Hospital. Darlene L. Burcham, City Manager.

**Adopted Ordinance No. 36865-092004. (7-0)
File #28-221**

6. Consideration of an adjustment to the City of Roanoke Fiscal Year 2004-2005 Budget. Darlene L. Burcham, City Manager.

**Adopted Budget Ordinance No. 36866-092004. (6-1
Council Member Wishneff voted no.)**

It was the consensus of Council that the \$100,000.00 appropriated for Total Action Against Poverty/Dumas will not be dispensed until certain questions regarding sources of financing for the project are addressed to the satisfaction of the City Manager.

A request of Mill Mountain Theater for additional operating funds was referred to the City Manager and to fiscal year 2005-2006 budget study.

File #60-226-349

B. HEARING OF CITIZENS UPON PUBLIC MATTERS:

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Ms. Judy Ferguson, 1713 Coveland Drive, N. W., spoke in opposition to the proposed methadone clinic on Hershberger Road, N. W. She raised specific questions with regard to expiration of the business license issued to National Specialty Clinic under the name of Roanoke Treatment Center, the purchase of National Specialty Clinic by another company, and the status of the Certificate of Occupancy issued by the City in view of new ownership. She referred to petitions signed by property owners/residents of the northwest area expressing opposition to locating a methadone clinic on Hershberger Road.

In view of the number of questions raised by Ms. Ferguson, the Mayor requested that she provide her inquiries in writing to the City Clerk for referral to the City Manager and the City Attorney for response.

File #76

CERTIFICATION OF CLOSED SESSION. (7-0)

Appointed Earnest Wilson as a member of the Roanoke Neighborhood Advocates for a term ending June 30, 2007.

Reappointed Harry F. Collins, Jr., as a member of the New Construction Code, Board of Appeals, for a term ending September 30, 2009.

THE COUNCIL MEETING WAS DECLARED IN RECESS UNTIL FRIDAY, SEPTEMBER 24, 2004, AT 12:00 NOON, FOR THE REGIONAL LEADERSHIP SUMMIT LUNCHEON TO BE HOSTED BY BEDFORD COUNTY AT THE OLDE LIBERTY STATION RESTAURANT, 515 BEDFORD AVENUE, BEDFORD, VIRGINIA.